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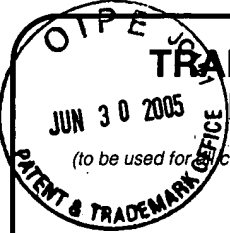
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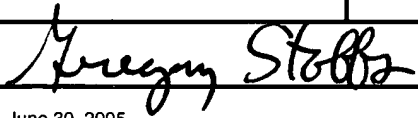
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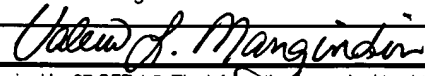
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 TRANSMITTAL FORM (to be used for correspondence after initial filing)	Application Number	09/499,238
	Filing Date	February 7, 2000
	First Named Inventor	Gregory A. STOBBS, et al.
	Art Unit	2741
	Examiner Name	Leslie Wong
Total Number of Pages in This Submission	Attorney Docket Number	9305-000002

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard; Original and 2 copies of Appeal Brief
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Gregory A. Stobbs
Reg. No.	28,764		
Signature			
Date	June 30, 2005		

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/499,238
Filing Date: February 7, 2000
Applicant: Gregory A. Stobbs, et al.
Group Art Unit: 2741
Examiner: Leslie Wong
Title: COMPUTER-IMPLEMENTED PATENT PORTFOLIO
ANALYSIS METHOD AND APPARATUS
Attorney Docket: 9305-000002/US

Mail Stop Appeal Brief – Patents
Director of U.S. Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Applicants hereby submit the original and two copies of this Appeal Brief
and include the fee for the Appeal Brief.

REAL PARTIES IN INTEREST

The real parties in interest are the applicants, Gregory A. Stobbs and John
V. Biernacki.

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RELATED APPEALS AND INTERFERENCES

There are no related appeals and/or interferences currently pending that are known to appellants, and/or appellant's legal representative which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

For completeness, appellants would note that there was a prior appeal in the present application. That appeal was taken on May 14, 2003, and was disposed of by the examiner's withdrawal of finality, mailed January 13, 2004 (paper No. 13).

STATUS OF CLAIMS

Claims 1-7, 11-22, 31 and 32 are pending in the application. Claims 8-10, 23, 24 and 26-30 are withdrawn from consideration in this application and are currently being prosecuted in a co-pending divisional application.

Claims 1-2, 4-7, 11-12, 14-16, 18-22 and 31-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Snyder et al. ("Snyder") (U.S. Patent 6,038,561) in view of Risen, Jr. et al. ("Risen") (U.S. Patent 6,018,714).

Claims 3 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Snyder et al. ("Snyder") (U.S. Patent 6,038,561) in view of Risen, Jr. et al. ("Risen") (U.S. Patent 6,018,714) and further in view of Newman (U.S. Patent 5,774,833).

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the final rejection, mailed February 9, 2005.

SUMMARY OF INVENTION

This application currently contains four independent claims under consideration, setting forth four inventions that will be summarized here, with reference to the specification and drawings. The application also contains other claims that have been withdrawn from consideration, without prejudice, in response to a restriction requirement. The references to the specification and drawings made here are intended to be representative, and not an exhaustive listing of all possible references that could be made.

1. Automatic determination of claim breadth metric for multiple claims retrieved from a plurality of patents. (See, e.g., claim 1)

According to this aspect of the invention, the following three steps are performed:

(1) retrieving a corpus of patent information from a database, said patent information including multiple claims from a plurality of patent documents.

In the Applicants' specification refer, for example, to Figure 3, which shows a relational database structure including the "All Patents Table" 60 into which the retrieved corpus of patent information is stored. Figure 3 also shows a "Claims" table 62 into which the Claim Text is stored. As illustrated, table 62 has a relationship to the All Patents Table 60. This relational database structure and

its use in retrieving a corpus of patent information is described, for example, in Applicants' specification beginning at page 9, line 3 through page 10, line 8.

(2) automatically determining claim breadth metrics for the multiple claims.

In Applicants' specification the automatic determination of claim breadth metrics is described, for example, beginning at page 11, line 9 (which refers to Figure 4) through page 13, line 7. As described, the text of the claims may be scanned to separate independent claims from dependent claims, and the independent claims are then analyzed by a word count algorithm capable of giving claim preamble a different weight than the claim body. Other linguistic analysis can also be performed.

(3) associating a claim breadth metric with a claim and storing said associated claim breadth metric in a computer-readable dataset, wherein a claim breadth metric which is associated with a claim is indicative of how broad the claim is.

In Applicants' specification, the storage claim breadth metric data is illustrated in Figure 3. Specifically, the Claims table 62 stores "claim word count," "claim length," and "adjusted claim word count" (all claim breadth metrics that are automatically determined based on step (b) above).

2. Method of automatically analyzing the text of multiple claims from plural patent documents using claim breadth metrics. (See, e.g., claim 11)

According to this aspect of the invention, the following two steps are performed:

(1) retrieving text of multiple claims from a computer-implemented data store, wherein the text of claims are from a plurality of patent documents.

In the Applicants' specification refer for example to Figure 3, which shows a relational database structure including the "All Patents Table" 60 into which the retrieved corpus of patent information is stored. Figure 3 also shows a "Claims" table 62 into which the Claim Text is stored. As illustrated, table 62 has a relationship to the All Patents Table 60. This relational database structure and its use in retrieving a corpus of patent information is described, for example, in Applicants' specification beginning at page 9, line 3 through page 10, line 8.

(2) automatically analyzing the text of the claims in order to generate claim breadth metrics for the claims, wherein a claim breadth metric that is associated with a claim is indicative of how broad the claim is, wherein the claim breadth metrics are used to analyze the multiple claims.

In Applicants' specification the automatic determination of claim breadth metrics is described, for example, beginning at page 11, line 9 (which refers to Figure 4) through page 13, line 7. As described, the text of the claims may be scanned to separate independent claims from dependent claims, and the independent claims are then analyzed by a word count algorithm capable of giving claim preamble a different weight than the claim body. Other linguistic analysis can also be performed.

Discussion of how the claim breadth metrics may be used to analyze the multiple claims appears, for example, at page 3, beginning at line 1.

3. Patent portfolio analysis apparatus where claim breadth metrics and category metrics are provided over an internet network. (See. e.g., claim 31)

According to this aspect of the invention, the portfolio analysis apparatus includes the following two modules:

(1) a claim breadth analysis module that automatically analyzes the text of claims in order to generate claim breadth metrics for the claims.

The Applicants' specification describes the claim breadth analysis module may be implemented as illustrated, for example in Figure 8 as the claim breadth analysis engine 152. The claim breadth analysis engine 152 is implemented within or called by the patent portfolio analysis engine 150.

(2) a cluster generator that analyzes patent information to generate category metrics for the patent documents.

In Applicant's specification, the cluster generator also forms part of, or is called by, the patent portfolio analysis engine 150 (Figure 8).

Both claim breadth metrics and category metrics are provided over an internet network for use in analyzing the patent documents. This is illustrated, for example, in Applicants' Figure 1.

4. Patent portfolio analysis method that automatically analyzes claim text of a plurality of claims to generate an individual claim breadth metric with each of the plurality of claims. (See, e.g., claim 32)

According to this aspect of the invention, the portfolio analysis method includes the following two steps:

(1) retrieving a corpus of patent information from a database, said patent information including the claim text of a plurality of claims.

In the Applicants' specification refer for example to Figure 3, which shows a relational database structure including the "All Patents Table" 60 into which the retrieved corpus of patent information is stored. Figure 3 also shows a "Claims" table 62 into which the Claim Text is stored. As illustrated, table 62 has a relationship to the All Patents Table 60. This relational database structure and its use in retrieving a corpus of patent information is described, for example, in Applicants' specification beginning at page 9, line 3 through page 10, line 8.

(2) automatically analyzing the claim text of said plurality of claims to generate and associate an individual claim breadth metric with each of said plurality of claims.

In Applicants' specification the automatic determination of claim breadth metrics is described, for example, beginning at page 11, line 9 (which refers to Figure 4) through page 13, line 7. As described, the text of the claims may be scanned to separate independent claims from dependent claims, and the independent claims are then analyzed by a word count algorithm capable of giving claim preamble a different weight than the claim body. Other linguistic analysis can also be performed.

Discussion of how the claim breadth metrics may be used to analyze the multiple claims appears, for example, at page 3, beginning at line 1.

ISSUE

1. Whether Applicants' claims 1-7, 11-22, 31 and 32 have been improperly rejected over the Snyder reference (6,038,561) in view of Risen (6,018,714):

(a) where the Examiner admits that Snyder does not teach the steps of automatically determining claim breadth metrics for multiple claims; associating said claim breadth metric the claim text and storing that associated metric in a computer-readable dataset, where a claim breadth metric associated with a claim is indicative of how broad the claim is; and

(b) where the Applicants' claims recite automatic determination of claim breadth metrics for multiple claims, not found in the Risen reference (which relies on a human to assess the claim breadth).

GROUPING OF CLAIMS

In this Appeal Brief, Applicants have grouped the claims into four sets in order to better organize the arguments:

Set 1 – Representative claim 1 (the dependent claims of this parent belong to this group);

Set 2 – Representative claim 11 (the dependent claims of this parent belong to this group);

Set 3 – Representative claim 31

Set 4 – Representative claim 32.

Applicants submit that the above sets each represent patentably distinct inventions. However, recognizing the Board's need for judicial economy, Applicants submit that the claims on appeal may be grouped together into single

group as follows for purposes of the 37 C.F.R. 1.192(c)(7) "Grouping of Claims" requirement:

Group I – Claims containing recitation of claim breadth metric
Claims in this group include independent claims 1, 31, 32

ARGUMENT

The Examiner had admitted that Snyder does not teach the steps of:

- b) automatically determining claim breadth metrics for the multiple claims;
- c) associating said claim breadth metric with said claim text and storing said associated metric in a computer-readable dataset; and
- d) wherein a claim breadth metric which is associated with a claim is indicative of how broad the claim is. [See Office Action of 5/6/2004, page 3).

The Examiner cites Risen as teaching the step of valuation of the intellectual property asset, based on "the breadth of the claims." [See Office Action of 5/6/2004, page 3-4). However, there is an important component that is lacking from the Risen reference. The Risen reference does not teach the process of **automatically determining** claim breadth metrics for multiple claims. As will be demonstrated below, Risen relies on a human to assess the claim breadth metric.

Illustrative of the fact that Risen relies on human assessment of metrics—as

opposed to automatic determination of them—is the following quote from Risen, col. 14, lines 39-51:

“The relevant parameters are identified for a particular case. The values of some of the parameters can be determined by agreement between the insurance company and the proposed insured. The values of the others are determined by an appropriate evaluation method. The evaluation method could be, for example, one of the methods referred to above, or a method which involves obtaining the opinion of one or more **experts** in the field. The preferred method is to obtain the opinions from the most experienced available **expert** for each issue and to obtain the opinion of two more highly qualified **experts** for those areas where there is reason to consult further or where there is a large financial risk.”

To further aid the Board in evaluating the true scope of the Risen reference, Applicants have conducted a “word search” throughout the text of the Risen reference and present below how the word “claim” is used in Risen specification. It is submitted that if Risen did teach “automatically determining” claim breadth metrics, as the Examiner has presumed, then some language discussing the term “claims” would certainly mention “automatic determination of claim breadth.” In fact, as the following excerpts show, the Risen reference does not teach automatically determining a claim breadth metric.

Excerpts from Risen reference where the word “claims” appears

Excerpt A [col. 9, lines 21-43]

“The second step of valuation of the intellectual property asset is the assignment of a monetary value to the intellectual property asset. For example, if the asset is a patent and if one or more **claims** of the patent are found to be valid and enforceable in the legal analysis, a value is then assigned to the patent. This value can be based, for example, upon the income and profits generated by the sale or use of the patented technology, the number of years remaining on the term of the patent, the **breadth of the patent claims**, the nature of the patented technology, the nature of competitive products or processes, etc. One such method is described below in Prophetic Example 2. Other intellectual property assets can be assigned a monetary value in conventional ways by persons who specialize in, or have the skills needed, to value intellectual property. In another embodiment of the

invention, the prospective purchaser of the intellectual property asset assigns their own value to the intellectual property, similar to the manner in which the U.S. Post Office allows a customer who purchases insurance for a parcel to select the desired amount of insurance coverage. While this latter valuation technique is simpler, it is likely to be more difficult to use in statistically determining an appropriate insurance premium.”

Excerpt A is the text relied upon by the Examiner in the Office Action. Note that in each case, a human assigns the valuation metric (which the reference says can be breadth of the patent claims). This is a teaching away from Applicants’ invention.

The “Prophetic Example 2” referenced in the above excerpt is discussed at col. 13, beginning at line 31, also relies on human valuation. Risen references U.S. Patent No. 5,608,620 as teaching one suitable method for obtaining values of parameters. A copy of this reference has been provided in the accompanying Information Disclosure Statement. That reference describes a technique used by a group of forecasters. The abstract from 5,608,620 is reproduced below:

A method of eliciting an unbiased prediction of an unknown variable value from at least one of a group of forecasters. This method of compensating individual forecasters can be applied to an entire group of forecasters so as to elicit an unbiased collective prediction. The method yields nearly unbiased predictions from risk-averse forecasters whenever at least two forecasters are employed to make the same prediction. The method involves: aggregating the predictions of the forecasters, both with and without the particular prediction of the individual forecaster; computing collective losses for both of the aggregated predictions; calculating the individual forecaster's marginal contribution to predictive accuracy, based on the difference in collective losses; and computing and paying the individual forecaster's compensation as a function of the individual's marginal contribution.

The Prophetic Example 2 also references the “VALMATRIX” method of Trademark and Licensing Associates, Inc. In preparing the response to this

Office Action, Applicants conducted an internet search for VALMATRIX and found reference to this technique at:

www.consor.com/valuation/techniques.htm

A printout of the referenced page is included with this response. Applicants are not able to determine the date of the referenced page, hence no date has been provided for this document in Applicants' Information Disclosure Statement.

However, Applicants find nothing in this reference that suggests the automatic determination of claim breadth metrics.

Excerpt B [col. 5, lines 7-10, col. 6, lines 1-10]

“The present invention provides for a sharing of the risk associated with the purchase, sale and/or ownership of intellectual property assets. Furthermore, the legal, technical and financial analysis which is conducted in connection with underwriting an insurance product to cover an intellectual property asset can also serve as a component in a "due diligence" analysis which is conducted in preparation for the purchase or sale of a business or portion of a business. Thus, the invention can provide the directors of a selling or purchasing company with protection against **claims** that they had incorrectly assessed the intellectual property of a company involved in an asset transfer. Non-limiting examples of situations in which the method and product of the invention would be useful are described below on Table 1. “

Excerpt B uses the term “claims” in the context of a “legal claim” or a “accusation” that an incorrect assessment has been made. This is, of course, not the same thing as “patent claims.”

Excerpt C [col. 8, lines 45-51]

“When the intellectual property asset is a patent, the step of obtaining a "description of at least one intellectual property asset" which is recited in the **claims** generally entails obtaining a copy of the patent, and, in at least some cases, its file history. For other intellectual property assets, a description of the asset may entail a copy, sample, specimen, prototype, and/or written description of the asset.”

Excerpt C further demonstrates that the Risen reference teaches away from Applicants' invention. Here Risen explains that an assessment of an intellectual property asset recited in the "claims" generally entails obtaining a copy of the patent, and, in at least some cases, its file history. There is nothing in the Risen reference to suggest that the file history would be analyzed automatically, thus it is apparent that Risen contemplates that a human would perform the claim breadth assessment.

Excerpt D [col. 8, lines 52-64]

"A first party" as this language is used in the **claims** refers to the owner (or in some cases the licensee) of the intellectual property asset or assets at the time that the asset or assets are valued. "A person with an interest in the first party" can be, for example, one or more of the parties listed in column 2 of Table 1 above, including the first party itself. Most frequently, this person will be a corporation which is a potential purchaser or licensee of the intellectual property asset or assets, the directors of the potential purchaser or licensee, or the officers of the potential purchaser or licensee, as these persons likely have a strong interest in obtaining a thorough analysis of the intellectual property asset or assets which they intend to purchase or license.

Excerpt D uses the term "claims" to refer to the claims of the Risen patent itself. This excerpt serves to define the term "a first party" and does not teach automatic claim breadth assessment.

Excerpt E [Table I]

"The directors and/or officers want to insure themselves in the event that current shareholders in Company A **claim** they sold the company for too low a price because they did not realize the value of the intellectual property. They also want insurance to cover any liability in the event that Company B or its owners **claim** that the Directors of Company A did not satisfy their due diligence requirement with respect to disclosure of information that could materially impact the value of the company.

* * *

In the resale or merger transaction, they want to insure against losses due to purchaser **claims** that they misrepresented the value of the intellectual property of Company A.”

As with Excerpt C, Excerpt E deals with claims as meaning “legal claims” or “accusations” that a wrongdoing occurred.

Excerpt F

“The President of Company A wants insurance to cover the possibility that an investment in using the intellectual property covered by a provisional patent application (e.g. in building a plant to use a technology) will not be wasted or devalued because Company A could not obtain a valid patent with substantially the same **claims**.

* * *

The financiers (bankers, etc.) of Company A wants Company A to have insurance to cover the possibility that an investment in using the intellectual property covered by a provisional patent application (e.g. building a plant to use a technology) will not be wasted or devalued because Company A could not obtain a valid patent with substantially the same **claims**”.

Excerpt F refers to the “claims” in the context of a provisional patent application. As the Examiner knows, the “claims” of provisional applications are not examined. Thus, this excerpt is referring to the situation where Company A has a provisional patent application with claims, and may later file a regular application based on the provisional. In the described scenario the claims in the provisional may not be allowed in “substantially the same” form as filed. (Thus Company A will not be able to get a valid patent with “substantially the same claims” as they had in their provisional application.) To answer this question would require an assessment of the claims vis-à-vis the prior art. By every indication in the Risen reference, this assessment would be done by a human.

APPLICANTS' CLAIMS ARE ALLOWABLE OVER THE REFERENCES

As demonstrated above, the Risen reference does not teach or suggest the concept of automatically determining claim breadth metrics. Moreover, as the Examiner has admitted, the Snyder reference does not teach claim breadth metrics. Accordingly, it would be improper to combine the Risen and Snyder references as a teaching of Applicants' invention. Applicants' claims as they now stand fully distinguish over these references. See Applicants' independent claims:

- Claim 1 recites automatically determining claim breadth metrics.
- Claim 11 recites automatically analyzing the text of the claims in order to generate claim breadth metrics for the claims.
- Claim 31 recites automatically analyzing the text of the claims in order to generate claim breadth metrics for the claims.
- Claim 32 recites automatically analyzing the claim text of said plurality of claims to generate and associate an individual claim breadth metric with each of said plurality of claims.

Accordingly it is respectfully submitted that the claims are now in a condition for allowance.

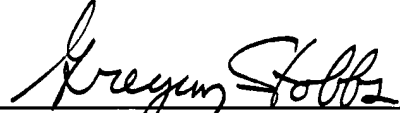
CONCLUSION

In view of the foregoing, it is respectfully submitted that all claims are allowable over the references of record. Reversal of the Examiner's ruling and allowance of this application is therefore courteously solicited

Dated: June 30, 2005

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P.O. Box 828
Bloomfield Hills, MI 48303
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Respectfully submitted,

A handwritten signature in cursive script, reading "Gregory A. Stobbs", written over a horizontal line.

Gregory A. Stobbs
Reg. No. 28,764

APPENDIX

1. (Previously Presented) A computer-implemented patent portfolio analysis method comprising:

retrieving a corpus of patent information from a database, said patent information including multiple claims from a plurality of patent documents;
automatically determining claim breadth metrics for the multiple claims;
associating a claim breadth metric with a claim and storing said associated claim breadth metric in a computer-readable dataset,
wherein a claim breadth metric which is associated with a claim is indicative of how broad the claim is.

2. (Original) The method of claim 1 wherein said step of analyzing the claim text includes counting the number of words in said claim text and generating a claim breadth metric therefrom.

3. (Original) The method of claim 1 wherein said step of analyzing the claim text includes identifying within said claim text a preamble portion and a body portion, counting the number of words in said preamble and body portions and applying separate weights to said counts to generate said claim breadth metric.

4. (Original) The method of claim 1 wherein said step of analyzing the claim text includes parsing said text to identify parts of speech, using said

identified parts of speech to identify clauses within said claim, comparing said clauses with the text of other claims in said corpus to generate scores indicative of which clauses within said claim text have a lower probability of being found in other claims within said corpus.

5. (Original) The method of claim 1 further comprising displaying said patent information in a sorted order based on said claim breadth metric.

6. (Original) The method of claim 1 wherein said step of analyzing the claim text includes linguistically processing said text to identify at least one clause within said claim text that has a lower probability than other of said clauses within said claim text of being found in other claims within said corpus.

7. (Original) The method of claim 6 further comprising displaying said claim text such that said one clause is visually presented differently than the other of said clauses.

8. (Withdrawn) A computer-implemented patent portfolio analysis method comprising:

providing user-prescribed categories which were specified by a user;

retrieving a corpus of patent information from a database, wherein the patent information is information from multiple patent documents;

analyzing said patent information to generate a category metric corresponding to user-prescribed categories; and
associating said category metric with said patent information and storing said associated metric in a computer-readable dataset.

9. (Withdrawn) The method of claim 8 wherein said patent information includes patent classification information and wherein said analyzing step is performed by defining a plurality of categories and mapping classification information onto said categories.

10. (Withdrawn) The method of claim 8 wherein said patent information includes claim text information to be analyzed and wherein said analyzing step includes:

defining an eigenspace representing a training population of training claims each training claim having associated training text;

representing at least a portion of said training claims in said eigenspace and associating a predefined category with each training claim in said eigenspace; and

projecting the claim text information to be analyzed into said eigenspace and associating with said projected claim text the predefined category of the training claim to which it is closest within the eigenspace.

11. (Previously Presented) A computer-implemented patent portfolio analysis method comprising:

retrieving text of multiple claims from a computer-implemented data store, wherein the text of claims are from a plurality of patent documents;

automatically analyzing the text of the claims in order to generate claim breadth metrics for the claims, wherein a claim breadth metric that is associated with a claim is indicative of how broad the claim is [claim breadth of a claim],

wherein the claim breadth metrics are used to analyze the multiple claims.

12. (Previously Presented) The method of claim 11 wherein said step of analyzing the claims' text includes counting the number of words in each of the claims and generating a numeric claim breadth metric for each claim therefrom.

13. (Previously Presented) The method of claim 11 wherein said step of analyzing the claims' text includes identifying within a claim's text a preamble portion and a body portion, counting the number of words in said preamble and body portions and applying separate weights to said counts to generate said claim breadth metric for a claim.

14. (Previously Presented) The method of claim 11 wherein said step of analyzing the claims' text includes parsing said text to identify parts of speech, using said identified parts of speech to identify clauses within a claim, comparing said clauses with the text of other claims to generate scores indicative of which

clauses within said claim text have a lower probability of being found in other claims within said patent documents.

15. (Previously Presented) The method of claim 11 further comprising displaying said patent documents in a sorted order based on said claim breadth metrics.

16. (Previously Presented) The method of claim 11 wherein the sorted patent documents are used in a patent infringement study.

17. (Previously Presented) The method of claim 11 wherein the sorted patent documents are used to determine patent documents whose maintenance fees are not to be paid.

18. (Previously Presented) The method of claim 11 wherein said step of analyzing the claims' text includes linguistically processing said text to identify at least one clause within said claim text that has a lower probability than other of said clauses within said claim text of being found in other claims within said patent documents.

19. (Previously Presented) The method of claim 18 further comprising displaying said claims' text such that said one clause is visually presented differently than the other of said clauses.

20. (Previously Presented) The method of claim 11 further comprising:
generating descriptive statistics based upon the generated claim breadth metrics, wherein the generated descriptive statistics are indicative of quality of claims analyzed.

21. (Previously Presented) The method of 20 wherein generated descriptive statistics are generated for groupings of claims.

22. (Previously Presented) The method of claim 21 wherein the claim groupings are formed based upon patent ownership, wherein the generated descriptive statistics are statistics selected from the group consisting of average, average of the averages, standard deviation, maximum, minimum, and combinations thereof.

23. (Withdrawn) A computer-implemented patent portfolio analysis method comprising:

retrieving patent information from a database, wherein the patent information is from a plurality of patent documents;

analyzing said patent information to generate category metrics; and

associating said category metrics with said patent documents and storing said associated metrics in a computer-readable dataset,

wherein said patent information includes claim text information to be analyzed and wherein said analyzing step includes:

defining an eigenspace representing a training population of training claims each training claim having associated training text;

representing at least a portion of said training claims in said eigenspace and associating a predefined category with each training claim in said eigenspace; and

projecting the claim text information to be analyzed into said eigenspace and associating with said projected claim text the predefined category of the training claim to which it is closest within the eigenspace.

24. (Withdrawn) The method of claim 23 wherein said patent information includes patent classification information and wherein said analyzing step is performed by defining a plurality of categories and mapping classification information onto said categories.

25. (Cancelled).

26. (Withdrawn) The method of claim 23 wherein said patent information includes using both patent classification information and linguistic analysis results to determine said category metrics to be associated with the patent documents.

27. (Withdrawn) The method of claim 26 wherein the category metrics are indicative of technical areas of the patent documents.

28. (Withdrawn) The method of claim 23 further comprising:
retrieving text of claims from the database, wherein the text of claims are from the plurality of patent documents;
analyzing the text of the claims in order to generate claim breadth metrics for the claims, wherein a claim breadth metric is indicative of claim breadth of a claim,
wherein the claim breadth metrics are used to analyze the claims.

29. (Withdrawn) The method of claim 23 wherein values of the category metrics are predetermined.

30. (Withdrawn) The method of claim 23 wherein values of the category metrics are dynamically determined.

31. (Previously Presented) A computer-implemented patent portfolio analysis apparatus comprising:
a database of patent documents containing text of claims;
a claim breadth analysis module that automatically analyzes the text of the claims in order to generate claim breadth metrics for the claims, wherein a claim breadth metric is indicative of claim breadth of a claim, wherein the claim breadth

metrics are provided over an internet network for use in analyzing scope of the claims;

a cluster generator that analyzes patent information to generate category metrics for the patent documents, wherein clusters of patent documents are determined based upon the generated category metrics, wherein the clusters of patent documents are provided over an internet network for use in analyzing the patent documents.

32. (Previously Presented) A computer-implemented patent portfolio analysis method comprising:

retrieving a corpus of patent information from a database, said patent information including the claim text of a plurality of claims;

automatically analyzing the claim text of said plurality of claims to generate and associate an individual claim breadth metric with each of said plurality of claims.